

SUBDIVISION REGULATIONS

I. TITLE, AUTHORITY JURISDICTION AND PURPOSE

A. TITLE

These regulations shall hereafter be known, cited, and referred to as the "Town of Camp Verde Subdivision Regulations".

B. AUTHORITY

By authority of the Camp Verde Town Council, adopted pursuant to powers and jurisdictions vested through Arizona Revised Statutes, Section 09-463 and other applicable laws, statutes, orders, and regulations of the State of Arizona and Town of Camp Verde, the Camp Verde Town Council does hereby exercise the power and authority to review and approve or disapprove, based upon recommendation of the Camp Verde Planning and Zoning Commission, plats for subdivision of land within the Town of Camp Verde.

C. JURISDICTION

These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within Camp Verde. No land shall be subdivided within the Town of Camp Verde until the sub-divider or his agent complies with these regulations and shall obtain approval of the preliminary plat by the Planning and Zoning Commission and Town Council and approval of the final plat by the Town Council. In addition, no land shall be subdivided until the approved plat is filed with and recorded by the Yavapai County Recorder's Office.

D. PURPOSE

The purpose of these regulations is to provide for the orderly growth and harmonious development of the Town; to insure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, power, drainage, protection against flood, storm water retention/detention, sanitary sewerage, improved streets and other accesses; and other health and safety requirements; to consider adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description; and to provide practical procedures for the achievement of this purpose.

E. INTERPRETATION CONFLICT AND SEVERABILITY INTERPRETATION

1. Interpretation

In their interpretation and application the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.

2. Conflict

These regulations are not intended to interfere with, abrogate or annul any other Town rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction, different

from those imposed by any other provision of these regulations, or any other Town rule or regulation or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.

3. Severability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which judgment shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Town Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

4. Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm or corporation, or as waiving any right of the Town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Town, except as shall be expressly provided for in these regulations.

5. Repealer

Upon the adoption of these regulations according to law, the subdivision regulations previously published with the Planning and Zoning Ordinance 87-A23 as amended, are hereby repealed in their entirety. Except that any and all subdivision plans and/or improvement plans submitted to the Commission for evaluation prior to the adoption of these regulations shall be evaluated under the guidelines of the then existing regulations.

6. Amendments

For the purpose of promoting the public health, safety and general welfare, the Town Council may from time to time amend the provisions imposed by these subdivision regulations in the manner prescribed by law.

7. Subdivision Revisions

No changes, erasures, modifications or revisions shall be made in the Final Plat after approval of the plat has been given by Town Council.

F. AMENDED MAPS

Any plat map of a subdivision that has been filed for record may be amended to correct an error in any course or distance or other necessary item that was omitted therefrom, or to correct a drafting, graphic, technical, or similar type error, by the filing for record of an amended map of said subdivision. The Town Engineer shall examine such amended map, and if such examination discloses that the only changes on the amended map are changes authorized above, he

shall certify this is to be a fact over his signature on the amended map. Thereafter, the amended map shall be entitled to be recorded in the office of the Recorder in which the original subdivision map was recorded. Such map shall be marked "AMENDED MAP OF _____", and follow in numerical sequence. The use of the terminology of Amended Map shall not be used to change or vary or add any lot lines, streets or easement, or statements that were not contained on the approved preliminary map, since such actions necessitate reprocessing of the plat.

G. RESUBDIVISION OF LAND

For any change in a map of an approved or recorded subdivision plat, if such change affects any name, street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the Planning and Zoning Commission and Town Council by the same procedures, rules and regulations as for a subdivision.

H. ABANDONMENT (Reversion to Acreage)

1. If no lots in a subdivision for which a final map has been approved and recorded have been sold within three (3) years from the date of recordation and if all of the improvements have not been made within three (3) years from the date of recordation or pursuant to the date referred to in Article 400.13 of these regulations, the Town Council may on its own motion hold a public hearing after notice, to determine whether the approval and recording of such Final Map should be revoked. Such revocation shall be in accordance with the Arizona Revision Statutes.
2. Abandonment of subdivision lots and reversion to acreage and/or abandonment of streets, rights-of-way, and easements dedicated or otherwise may be initiated by property owners petitioning the Town Council for consideration of all or portions of any tract or plat. A preliminary title report shall be submitted by the property owners for the property proposed to be abandoned or reverted to acreage.
3. Such petition may necessitate consideration for rezoning if the Commission deems it necessary or desirable.
4. Any action considered by the Town Council relating to revocation of all or part of a subdivision whether lots, or lots and rights-of-way, shall be referred to the Commission for evaluation of the following:
 - a) Correlation with the General Plan of the Town.
 - b) Correlation with proposed development in adjacent areas.
 - c) Recommendations as to whether or not zoning changes should accompany such action.
 - d) Effect of such action on existing development in areas affected by proposed reversion or abandonment.
 - e) Request for abandonment shall be referred by the Commission to the agencies who may have an interest in the existing subdivision.
 - f) Access to all parcels remaining.

5. Any other actions applicable to the above process and permitted by State laws are permissible.
6. Applications to abandon streets or easements shall be made pursuant to the Arizona Revised Statutes and shall be carried on separately and simultaneously with any procedure to abandon a subdivision or revert it to acreage.
7. Upon submittal of an application to abandon a subdivision and cause same to revert to acreage the Commission and staff shall distribute the request to reviewing agencies for comment including but not limited to the County Assessor, local fire district, emergency service agencies, or other agencies as deemed appropriate by the Director. Upon receipt of reviewing agency comment(s), if any, the Director shall schedule the matter for public hearing before the Planning and Zoning Commission to formulate a recommendation to the Town Council.

I. REVISION OF PLATS OR REPLATS

Any division of a lot in a recorded subdivision into three (3) or more parcels, or any changes in lot lines involving three (3) or more adjoining lots in a recorded subdivision, but creating no new street, may be processed in accordance with Final Plat Procedures of these Subdivision Regulations, after a Pre-Application Conference with the staff of the Planning Department.

Any replat involving dedication or abandonment of the land for a public street shall comply with all procedures set forth in these requirements.

If abandonment of a street, alley, or public utility easement in a previously recorded subdivision is necessary, the replat of that area shall not be forwarded to the Town Council for final action until abandonment proceedings are completed and recording data noted on the final plat.

J. PROCESSING FEE SCHEDULE

The submission of a Master Plan, Conceptual Plan, Preliminary Plat, Final Plat, Revised or Amended Plat or Application for reversion to acreage shall be accompanied by a filing fee according to the fee schedule as recommended by the Planning and Zoning Commission and approved by the Town Council. The public hearing fee shall be submitted to the Planning and Zoning Department simultaneously with submittal of a completed application for public hearing.

K. EFFECTIVE DATE

The provisions of these Regulations shall be effective immediately upon final approval and adoption by the Town Council of the Town of Camp Verde, Arizona, as provided in Title 09-463 of the Arizona Revised Statutes, as amended.

II. DEFINITIONS

A. DEFINITIONS

For purposes of these regulations certain words, terms and phrases are hereby defined. Words in present tense shall include the future; the singular number shall include the plural and the plural the singular; The word "structure" includes the word "building"; the word "shall" is mandatory and not directory, and the word "may" is permissive.

Certain words and phrases in these regulations shall have special meaning as defined herein, unless the context otherwise requires.

1. Abandoned, (Abandonment)

Said of lots, streets, public ways, easements, or rights-of-way when the Town Council by proper action and public hearings abrogates all rights to said lots, streets, public ways, easements, or rights-of-way.

2. Access Street or Service Road

A street or road which is adjacent to a major arterial street and provides a means of direct ingress and egress to abutting property.

- a) **Primary Access-** Principal route, path or avenue whether under private or public ownership, used for ingress and egress to a development or subdivision.
- b) **Secondary Access-** Subordinate or alternate route, path or avenue whether under private or public ownership, used for ingress and egress to a development or subdivision.
- c) **Emergency Access-** Subordinate or alternate route, path or avenue whether under private or public ownership, designated for use by emergency service personnel and vehicles in crisis events to access a development or subdivision.

3. Alley

A public, dedicated right-of-way used primarily as a service or secondary means of ingress and egress to the service side of abutting property.

4. Amendment

A change in the wording, context, or substance of these regulations or an addition, deletion, or a change in the zone boundaries or classifications upon the Zoning Map. Also a change in the wording, context, or substance of preliminary and final plats filed with the Planning and Zoning Commission.

5. Approval, Conditional

An affirmative action by the Commission or the Town Council indicating that approval will be forthcoming upon satisfaction of certain specified stipulations.

- 6. Approval, Preliminary**
Unconditional or conditional approval of the Preliminary Plat by the Commission or Town Council as evidenced in their resolutions and constitutes authorization to proceed with final engineering plans and final plat preparation.
- 7. Approval, Final**
Unconditional or conditional approval of the Final Plat by the Town Council, as evidenced by certification on the Plat by the Mayor, and other required signatures constituting authorization to record a plat.
- 8. Arterial Street**
A street or road with the principal function to serve as a part of a major network for the through traffic flow, separate from local traffic, to and from areas of principal traffic generation, of adequate design, capacity and construction to provide for the safe and rapid distribution and collection of through traffic and to provide limited ingress and egress to and from collector and local streets.
- 9. As-Built Plans**
Construction plans prepared after the fact by the engineer of record and in such a manner as to accurately identify and depict the location of in-place improvements.
- 10. Assurance**
A guarantee that the specified improvements and services will be accomplished. This must be in the form of a financial guarantee, including but not limited to, a subdivision bond, an irrevocable letter of credit, a certificate of deposit or a certified check for construction of improvements. Utility service assurances may be provided by letter from water, sewer, and other appropriate utility companies to guarantee improvements.
- 11. Block**
An area of land within a subdivision that is entirely bounded on all sides by streets and/or exterior boundary or boundaries of a subdivision.
- 12. Building**
Includes the principal structure erected or to be erected upon the land described in the declaration provided for in ARS 33-552 which determines the uses to be made of the improved land whether or not such improvement is composed of one or more separate buildings of one or more floors or stories.
- 13. Building Setback**
A line extending across the full width of a lot, parallel with the street right-of-way and in front of which no building or structure shall be constructed.

- 14. Certificate**
A formal written statement intended as an authentication of the fact asserted and set forth, under seal of a notary or registered professional.
- 15. Certificate of Assured Water Supply**
Response from the Arizona Department of Water Resources in the form of a “certificate of assured water supply” pursuant to ARS 45-567.
- 16. Circulation Plan**
That portion of the comprehensive plan adopted by the Planning Commission designating and defining the physical street system for the Town of Camp Verde, Arizona.
- 17. Collector Street**
A street or road that serves local traffic movement within an area and traffic between major arterials and local streets and provides a means of ingress and egress to local streets and abutting property; also serves to connect adjacent neighborhoods and includes the principal entrance street into residential neighborhoods. There may also be provisions for parking and loading or unloading on collector streets.
- 18. Commission**
The Camp Verde Planning and Zoning Commission.
- 19. Common Element**
All portions of a condominium other than the units.
- 20. Comprehensive Plan**
A plan adopted by the Town providing a program to guide the orderly growth of the Town or portion thereof.
- 21. Conceptual Plan**
An informal plan indicating relevant existing features of a tract and its surroundings and the general layout of a proposed development.
- 22. Condominium**
Joint ownership, a multi-unit dwelling or complex, each of whose occupants known as unit owners, enjoys exclusive ownership of individual units, holding title thereto, while retaining an undivided interest as a tenant-in-common, in the common facilities and areas of the building and grounds which are used by all title holders. For further information on condominiums as regulated by Arizona Revised Statutes, see A.R.S. Section 3, Title 3, Chapter 9.
- 23. Construction Plan**
The maps or drawings showing the specific location and design of improvements to be installed in accordance with these regulations.
- 24. Contiguous**
Adjoining by physical contact.

- 25. Council**
Camp Verde Town Council, acting under the authority of the laws of the State of Arizona.
- 26. Councilman, Councilwoman, Council member**
A member of the Town of Camp Verde Town Council.
- 27. Covenants**
Shall mean a privately prepared recorded document designed to govern the use of parcels within a subdivision.
- 28. Cul de Sac Street**
A street or road having a traffic outlet on one end only and having at the other end facilities for the for the turning around of vehicular traffic.
- 29. Dead-end Street**
A street or road having a traffic outlet on one end only and terminated at the other end by undeveloped property. A dead-end street shall have temporary provisions for the turning around of vehicular traffic.
- 30. Dedication**
Dedication is the giving and acceptance of fee title or an easement of property, to a public agency or private utility company for a public or semi-public use as indicated.
- 31. Deed Restrictions and Protective Covenants**
A written contractual agreement between two or more individuals or parties setting forth rules, regulations and expectations surrounding the use of subdivided or unsubdivided property.
- 32. Department**
The Department of Planning and Zoning of Camp Verde, Arizona.
- 33. Design**
The conception, planning, execution, or creating of a scheme in which means are laid down for the construction or implementation of improvements, including location, alignment, grade, width, drainage, materials and all other criteria that lead to the preparation of the final improvement product.
- 34. Developer**
See subdivider.
- 35. Drainage**
The system or facilities by which surface water runoff is removed from streets and property both within and outside a subdivision. Can also refer to the actual run-off of flood water.
- a) **Drainage, local**
Water which accumulates as a result of local storms and flows overland not included in a delineated floodplain. This shall include

sheet flow and such flow as may be concentrated in local drainage systems with or without defined channels, excluding delineated floodplains.

- b) **Drainage, One hundred (100) Year Storm (Peak Discharge)**
Local drainage resulting from a storm which has a one percent (1%) chance of occurring annually, based upon a Design Storm within a defined area.
- c) **Drainage, Off-site**
The storm surface waters emanating from lands outside the limits of the proposed subdivision and draining through the site of the proposed development.

36. Double Frontage Lot

A lot having street frontage on both the front and rear property lines.

37. Easement

A grant by a property-owner of the use of an area of land for a specific purpose or purposes, by the general public, corporation, or a certain person or persons.

- a) **Drainage Easement-** An area designated and used for conveyance of storm run-off in which nothing can be placed which will impede, divert or cause the run-off to have an adverse affect on adjoining property.
- b) **Non-Vehicular Access Easement-** An easement prohibiting vehicular access from a street or between adjoining parcels.

38. Egress

Means the movement of traffic from abutting properties to the street and the movement from minor streets to major streets.

39. Engineer

A person who, by reason of special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his registration as a professional engineer.

40. Engineer of Record

A professional engineer registered in the State of Arizona and employed by the owner or developer to design and/or inspect improvements.

41. Exception

A permitted deviation from the subdivision regulations, permitted only through hearings by the Commission and Town Council.

42. Final Plat

The final drawing of a property being subdivided as prepared by a land surveyor for recording consisting of all or part of a subdivision conforming substantially to an approved preliminary plat and prepared in accordance with these regulations depicting the actual or proposed legal boundaries of the subdivided lands.

43. Flood

A general and temporary overflow of water onto normally dry land areas.

- a) **Flood, Regulatory-** The one hundred (100) year flood as determined by criteria established by the Arizona Department of Water Resources as promulgated by Arizona Revised Statutes.
- b) **One-Hundred (100) Year Flood-** A flood that has a one percent (1%) chance of occurring annually based upon the criteria established by the Arizona Department of Water Resources.

44. Floodplain

- a) **Floodplain, Delineated-** That area delineated and mapped as a floodplain by FEMA and/or by the Board of Directors of the Flood Control District.
- b) **Floodplain, Regulatory-** That portion of the natural watercourse that would be inundated by the regulatory flood and which land-use is regulated by the Yavapai County Flood Control District Floodplain Regulations.
- c) **Floodway-** A channel of a river or other watercourse and the adjacent land areas necessary in order to discharge the one-hundred (100) year flood without cumulatively increasing the water surface elevation more than one (1) foot.
- d) **Flood Control District-** County Agency charged with administering the Yavapai County Flood Control Ordinance and responsible for reviewing development plans and subdivision proposals in relation to floodway, floodplain and flood hazard areas.

45. Frontage

That part of a lot line which is also a public or private road right-of-way line.

46. General Plan

A comprehensive plan for development of the Town prepared and recommended by the Planning & Zoning Commission and adopted by the Town Council, and includes any part of such plan separately adopted and any amendment to such plan, or parts thereof.

- 47. Government Agency**
Any agency of a governing body created by a political division or subdivision such as Federal, State, County and Town.
- 48. Half-Street**
A street having only a portion, usually one-half, of its required right-a-way width dedicated for public use.
- 49. Hillside**
A part of a hill between the summit and the toe of the slope.
- 50. Improvements**
Any works designed and/or executed for the purpose of enhancing the value of the property and may include subdivisions, streets with or without curb or gutters, street lights, sidewalks, pedestrian walkways, water mains, sanitary and storm sewers, drainage facilities, grading and earthwork, landscaping, or other community facilities of like nature.
- a) **On-site Improvements-** Any works or improvements as described above undertaken or installed at the location and within the parcel being developed.
- b) **Off-site Improvements-** Any works or improvements as described above undertaken or installed beyond the location and not within the parcel being developed.
- 51. Ingress**
Means the movement of traffic from the street to the abutting property and the movement from major streets to minor streets.
- 52. Land**
Any area suitable or usable for some purpose or being held in an undeveloped or unused state, which land is capable of being located, surveyed, staked and described by a legal description.
- 53. Land Surveyor**
A person who by reason of his knowledge of the mathematical and physical sciences, principles of land surveying and evidence gathering acquired by professional education or practical experience, or both, is qualified to practice land surveying as attested by his registration as a land surveyor.
- 54. Legal Description**
A description delineating the location of real property in such a way as to distinguish it from all other pieces of real property and may include description by tract, block and parcel number, or by subdivision and parcel number, or by metes and bounds.

55. Lot

A parcel of land to be used as a unit and having its principal frontage on a dedicated street or street easement. Where a half-street has been dedicated from such parcel, such shall be qualification for street frontage.

- a) **Lot, Double Frontage-** A lot which extends from one street to another street, existing or proposed, except where non-vehicular access easement has been established on such lot.
- b) **Lot, Hillside-** Any lot or portion of a lot involving a part of a hill between the summit and the toe of the slope where the terrain has a natural slope.
- c) **Lot, Depth-** Lot depth shall mean the shortest distance between the midpoint of each the front and rear lot line.
- d) **Lot, Width-** Lot width shall be the width at the front setback line.

56. Master Plan

A general development plan that may or may not be presented to the Planning & Zoning Commission or Town Council, identifying design features including but not limited to roads or rights-of-way, lot layout or configurations, topographical features, contemplated development phases/time schedules and relationships to surrounding properties submitted in support of a design concept in preparation of future development/subdivision activity.

57. Minor Street

A street or road used primarily for direct access and egress to residential, commercial, and industrial areas and having major service functions of loading, unloading, and direct access and egress to abutting property, and being controlled in such fashion as to discourage through traffic and to maintain relatively slow speeds. There may also be provisions for parking on minor streets.

58. Minor Street Plan

A part of the street and traffic circulation plan that is complementary to and interrelated with the comprehensive plan.

59. Non-Residential Subdivision

The division of a tract of land into parcels for occupancy by non-residential uses and/or structures whether for sale or for building development for leasing and/or renting.

60. Parcel

A separate or distinct part or portion of land other than a lot. For the purpose of these regulations the term parcel shall refer to metes and bounds property and shall not have the same meaning as assessor parcel which is used for tax assessment purposes.

61. Permit

A document issued by a governmental agency granting permission to perform an act or service which is regulated by the Town, County, a State agency or the Federal Government.

62. Plan

- a) **Master Development Plan-** A preliminary master plan for the development of a community or other large land area, the platting of which is expected to be undertaken in progressive stages. A development master plan may be subject to Commission and Council approval.
- b) **Area Plans-** A planning document adopted by the Town Council as a supplement to the Camp Verde General Plan involving a specific area or region of the Town
- c) **Engineering Plans-** Plans, profiles, cross-sections and other required details for the construction of public or private improvements, prepared by a registered professional engineer in accordance with the approved preliminary plat and in compliance with standards of design and construction or policies approved by the Town Council.

63. Planning Commission or Commission

Shall mean the Planning and Zoning Commission of the Town of Camp Verde.

64. Planning Department

Shall mean the Planning and Building Department of Camp Verde, Arizona.

65. Planning Director

The Director of the Town of Camp Verde Planning and Zoning Department.

66. Plat

A map of a subdivision.

- a) **Preliminary Plat-** A preliminary map, including supporting data, indicating a proposed subdivision development and inherent design, prepared in accordance with these regulations.
- b) **Final Plat-** A map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared in accordance with these regulations and approved by the Council prior to recordation.
- c) **Recorded Plat-** A final plat bearing all of the certificates of approval required in Article 4.05 of these regulations and duly recorded in the Yavapai County Recorder's Office.

- 67. Private Road**
A street within a subdivision which has not been dedicated for public use and is reserved for the use of lot owners within the subdivision.
- 68. Property Lines**
Those lines outlining the boundaries of properties on lots for the purpose of description in sale, lease, building development, or other separate use of property.
- 69. Public Improvement**
Any drainage channel, roadway, parkway, sidewalk, pedestrian-way, water system, sewer system, tree, lawn, off-street parking area, lot improvement, or other facility for which the Town or special district may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which Town or special district responsibility is established.
- 70. Public Roadway**
All road classifications dedicated and accepted by the Town of Camp Verde including local streets, cul-de-sacs, frontage roads, and hillside roads.
- 71. Public Sites**
Any parcel of land set aside for schools, parks, playgrounds, fire stations, public buildings, or other public purpose.
- 72. Public Utility**
Private or municipal facility for distribution to the public of various services such as power, heat, light, water, television, telephone, sewage removal, communications, etc.
- 73. Radial**
A line forming right angles with the tangent of any given arc.
- 74. Registered Professional Engineer**
An engineer registered in the State of Arizona.
- 75. Regulations**
Camp Verde Subdivision Regulations as contained herein.
- 76. Resubdivision**
The changing of design, subdivision name, lot lines, size of lots, or road alignment of any recorded or approved subdivision in Camp Verde.
- 77. Reviewing Agencies**
Federal, state, county, town, emergency or public service, or private agency consulted for specific comment or response regarding jurisdictional requirements that may affect a subdivision or development proposal as described herein.

78. Right-of-Way

The entire dedicated tract or strip of land that is to be used by the public for circulation and service. (The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in said right-a-way.)

79. Roadway or Street

That area, whether public or private, between right-of-way lines, dedicated, reserved or provided for roadway purposes and other uses not inconsistent herewith to include in the general sense streets, avenues, alleys, highways, crossings, lanes, roadway easements, intersections, courts, places, and grounds now open or dedicated or hereafter opened or dedicated to the public for use as public roadways.

- a) **Arterial Route-** A general term including expressways and arterial streets; an interstate, state, or county highway having regional continuity; any street having considerable continuity and carrying a large volume of vehicles.
- b) **Collector Street-** A neighborhood street with limited continuity and having the primary function of carrying residential traffic from minor streets to arterial routes; a secondary function to provide access to abutting residential properties.
- c) **Frontage Road-** A minor street often paralleling and constructed in close proximity to an arterial route which provides access to abutting property, intercepts minor residential street and controls access to an arterial route.
- d) **Residential Street-** A street used primarily for providing access to abutting residential property.

80. Sidewalk

That paved portion of the right-of-way between the curb lines or lateral lines of the roadbed and the boundary line of said right-of-way designed and intended for the movement of and use of pedestrian traffic.

81. Site Plan

A map depicting the location of existing or proposed improvements in relation to property lines and streets.

82. Statement of Water Adequacy

Response from the Arizona Department of Water Resources in the form of water "adequacy" either for that subdivision or for the water company (private or public) which will serve the subdivision pursuant to A.R.S. 45-108.

83. Standard Specifications

The detailed precise written presentation of rules, principles, measures and particulars relating to improvement works as recommended by the Town Engineer and adopted by the Town Council.

- 84. Storm Sewer**
A channel or conduit, open or closed, necessary, useful, or convenient for the collection and carrying of surface waters to a drainage course.
- 85. Street**
The entire dedicated public right-of-way, providing for the pedestrian and vehicular movement of people and goods, with a definite separation of these two types of traffic.
- 86. Stub Street**
A short dead-end street or road, no more than one lot deep in length, formed at the boundaries of a subdivision to provide access to abutting property.
- 87. Subdivider**
Any person or legal entity who causes land to be divided into a subdivision for himself or for others; files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this Ordinance; and said subdivider need not be the person or persons holding title by deed to land or holding title as vendees under land contract or holding any other title of record if authorized duly as agents; not including any Professional Engineers, Licensed Surveyors, Attorneys, Planners or other professionals engaged to perform work for others pursuant to the requirements of law.
- 88. Subdivision**
Lands or property divided or proposed to be divided for the purpose of sale or lease as defined in the Arizona Revised Statutes.
- 89. Surety**
Anything acceptable to the Council deposited as a pledge for the guarantee of construction or completing of subdivision improvements that the Council could, if necessary, convert to a usable medium for construction of said improvements in case of default of agreement.
- 90. Topography**
The delineation of the vertical and horizontal positions, on the earth's surface, of the natural and artificial features of a given locality, and the configuration of the terrain.
- 91. Town**
Shall mean the Town of Camp Verde, Arizona, and shall include the Planning Commission and the Town Council.
- 92. Town Attorney**
The Town Attorney of Camp Verde, Arizona or such attorney designated by the Town Attorney to furnish legal assistance for the administration of these regulations.

- 93. Town Engineer**
The Town Engineer of Camp Verde, appointed by the Town Council as prescribed by law.
- 94. Town Council**
Shall mean the Town Council of the Town of Camp Verde, Arizona.
- 95. Tract**
A piece of land which may be divided into parcels and lots, and/or is set apart as a separate and distinct parcel for specific purpose in conjunction with an approved subdivision.
- 96. Traffic Impact Study or Analysis**
A report or study performed by a registered professional engineer or professionally qualified consultant evaluating the potential consequences of vehicular, pedestrian or other traffic volumes and movements and resulting consequences to infrastructure and/or public health, safety and welfare.
- 97. U.S.C. & G.G.**
United States Coast and Geodetic Survey, now identified as N.G.S., National Geodetic Survey.
- 98. U.S.C.S.**
United States Cadastral Survey
- 99. U.S.G.S.**
United States Geological Survey
- 100. Variance**
A proposed deviation or relaxation of Zoning Ordinance, subdivision regulation, or design standards set out by these or other Federal, State and Town regulations.
- 101. Yavapai County Environmental Services Department**
Yavapai County agency responsible for reviewing sanitary and water supply facilities or other public or private infrastructural improvements by delegation agreement with the Arizona Department of Environmental Quality.
- 102. Zone**
A specific use classification established by Camp Verde Zoning Ordinance which limits or permits various and specific uses. Means the same as "District" in Arizona Revised Statutes 09-462.
- 103. Zoning**
To partition an area of Camp Verde by ordinance into sections reserved for various uses.
- 104. Zoning Regulations**

Shall mean the Planning and Zoning Ordinance of the Town of Camp Verde, Arizona.

III. GENERAL REQUIREMENTS AND PROCEDURES FOR SUBMISSION OF PLATS

A. APPROVAL OF SUBDIVISION REQUIRED

1. Until a final subdivision plat, engineering drawings and engineering plans have been approved or a specific development plan in association with an approved preliminary plat of a subdivision has been approved in accordance with these regulations, no person shall subdivide a parcel of land as defined by the Arizona Real Estate Department and A.R.S. Section 32-2101 or file a record of survey, map, or plat for record, and/or sell any part of said subdivision or proceed with grading, construction or site preparation without previous approval of the Town Council of the Town of Camp Verde, AZ as set forth under these regulations.
2. **Duties of Subdivider**
While a subdivision is in the preliminary planning state, the subdivider shall consult the Planning & Zoning Director or designated staff representative to determine conformity to the General Plan, which includes but not limited to the Circulation Plan, Minor Street Plan, District Maps, the Zoning Regulations, and compliance with the provisions of these regulations, and requirements for the design and installation of public improvements as required by the Town.

B. MASTER DEVELOPMENT PLAN

1. Master Development Plans may be required in association with subdivision proposals as outlined in the Camp Verde Zoning Ordinance.

C. CONCEPTUAL PLAN

- A.** The purpose of the Conceptual Plan is to determine the feasibility of the proposed development and the capacity of the land to support such development.
- B.** To avoid unnecessary and costly revisions, the subdivider shall as specified by these regulations submit a conceptual Plan of the proposed development after discussion with the Planning Director or staff. The Conceptual Plan shall be circulated to and reviewed by Town and related reviewing agencies to discover development opportunities or apparent constraints prior to accepting a Preliminary Subdivision Plat submittal. A Conceptual Plan Submittal shall be a precursor to a Preliminary Plat under the following circumstances.
 - 1.) Area to be subdivided is greater than 100 acres in size and/or comprises an entire neighborhood.
 - 2.) Development tract adjoins different zoning classification(s) with higher intensity/density designation.
 - 3.) Project development to occur in multiple phases.
 - 4.) Difficult development constrains.
 - a.) Topography
 - b.) Limited or difficult access
 - c.) Limited existing or available utilities
 - d.) Within FEMA Flood Plain or encumbered by numerous washes or arroyos exhibiting unique drainage constraints
 - e.) Sewer not available, or effluent disposal opportunities are limited or constrained.

1. Map Contents

- A.** Vicinity Map
- B.** Name of development and sketch plan
- C.** Location by Section, Township and Range (G&SRB&M)
- D.** Reference by dimensions section corners, quarter corners
- E.** Boundaries of development clearly identified
- F.** North arrow
- G.** Scales (both graphic and equivalent inch to feet) using standard engineering intervals. Not to exceed 1" = 200',

prefer 1" = 100'. Sheet size no smaller than 24" X 36", no larger than 42" on a side.

- H. Date of preparation plus date of any amendments since original submittal.
- I. Names, addresses, phone numbers and notation of relationship to development for landowners, subdivider/development agents, engineers, surveyors, land planners, landscape architects, architects, hydrologists or others responsible for design (include registration numbers)
- J. Topography by contours relating to USGS survey datum (shown on the same map as proposed development) include bench mark used. Base information must be sufficient in order to review. Topography shall be depicted 300' beyond project boundary. Topographical information for densities beyond a threshold of 2.42 units per acre (18,000 square foot lots) shall be consistent with Preliminary Plat requirements as outlined under Article 401 of the Subdivision Regulations.
- K. Proposed land uses and densities by area as well as ownership patterns surrounding land uses and zoning within 300'.
- L. Proposed vehicular, pedestrian and recreational stock traffic circulation plan (access, continuity, traffic flow capacities, secondary emergency access threshold, etc.)

Traffic concept plan to include:

- Overall area map where necessary showing existing and proposed roads and their classification (arterial, collector, residential street) within ½ mile of project boundaries. Scale not to exceed 1" = 2,000'
- Identify legal primary and secondary access Opportunities, as well as existing or proposed street right-of-way widths.
- In narrative form, identify general traffic impacts to adjacent property and existing roads, as well as high traffic generation points on site.
- Identify existing or proposed trail networks and open space features affected by or intended to be implemented as part of future subdivision design.

(NOTE: The Plan may be graphic and/or narrative)

- M. Drainage Concept Plan

Illustrate and discuss in narrative form the proposed methods of handling storm drainage and floodplains that affect property.

- Depict general pre and post development drainage patterns and flow direction (s).
- Identify potential detention facilities, where necessary.

N. Identify in chart or note form on the Conceptual Plan Map the following:

- Total acreage, acreage for each use and each phase
- Number units/lots for each type of use and phase
- Average area per lot/unit proposed
- Percent open space, if any, exclusive of rights-of-way, roadways, building envelopes, and parking areas
- Water source (if new source indicate potential well field and storage tank on Conceptual Plan)
- Method of refuse removal
- Sewer service provider and type, if available
- Fire District
- Proposed utilities available and provider
- Identify site conditions, i.e., rock outcroppings, major drainage features, etc.

O. Requested Variances and Waivers or known deviations from design standards.

D. ADDITIONAL REQUIREMENTS

1. Eighteen (18) copies of the Conceptual Plan shall be submitted to the Planning and Building Department. Within fifteen (15) working days from deposit of the Conceptual Plan, the Plan shall be evaluated and discussed in a formal meeting between the applicant (s), reviewing agency representatives and the planning staff. Upon receipt of reviewing agency comment, the Planning Director or staff designee shall compile agency comments and respond to the applicant or agent as the proposed project relates to the following:

A. General Plan or Specific Area Plan (s)

- B. Suitability of the site for development, proposed/existing and potential development opportunities and constraints
 - C. The improvements, design and dedication required by Town Improvement Standards
 - D. Zoning requirements
2. In accordance with A.R.S. Section 9-474 through 479 if the plat is within three (3) miles of the corporate limits of a city or town having subdivision regulations, the Planning Director shall submit a copy of the Conceptual Plan to said community for review.

E. Drainage Requirements

A phase 1 drainage report in accordance with the requirements of the Yavapai County Flood Control District shall be submitted as set forth herein in conjunction with a conceptual plan.

1. Drainage Report

The developer or subdivider shall submit a phase 1 drainage report prepared by a registered Arizona professional engineer consistent with the Flood Control District requirements.

The purpose of a Phase 1 Drainage Report is to review at a conceptual level the feasibility and design characteristics of the proposed subdivision.

The drainage study shall identify off-site contributing drainage areas on a 7 1/2 ' U.S.G.S. Quad Map; analyze existing hydrology conditions and approximate developed hydrologic conditions to make decisions relative to detention; illustrate location of proposed drainage facilities to convey run-off through the site (no sizing of facilities needed); and provide text generally describing the drainage aspects of the site, methods for handling run-off, hydrological methods, and floodplains that affect the property.

E. APPROVAL OF CONCEPTUAL PLAN

1. On or before the twentieth day after the Conceptual Plan submittal date, the Planning Director shall determine whether or not the Conceptual Plan meets the purposes of these regulations and related Town Ordinances and design specifications and shall, where the Director deems it necessary, make specific recommendations to be incorporated by the applicant into a revised Conceptual Plan or Preliminary Plat submittal. No response from reviewing agencies within the prescribed review period

shall be construed as having no objection to the continued processing of the Application.

F. DENIAL OF CONCEPTUAL PLAN

If the Planning Director determines that the Conceptual Plan submittal is not consistent with the Town's General or Specific Area Plan (s) and/or determines that the proposed development does not meet Town improvement/design specifications the Planning Director may deny the Conceptual Plan application or request modifications to be incorporated into a revised Conceptual Plan prior to authorizing a Preliminary Plat submittal.

G. APPEAL

If the project developer objects to a decision by the Director to deny a Conceptual Plan or recommended modification to same, the Director's decision may be appealed to the Planning and Zoning Commission. Upon receipt of a written statement of objection, the matter shall be placed on the agenda for the next available Planning and Zoning Commission Meeting. If the developer objects to the recommendations of the Planning and Zoning Commission the Commission's recommendation may be appealed to the Board of Adjustments and Appeals.

H. THE PRELIMINARY SUBDIVISION PLAT

PRELIMINARY PLAT TO BE SUBMITTED

After the pre-application conference and general approval of the Conceptual Plan and Master Development Plan, if required, the subdivider shall cause to be prepared a preliminary plat of the proposed subdivision and other exhibits as hereinafter specified, and shall submit to the Planning Department a preliminary plat application with thirty (30) copies of the Preliminary Plat and two (2) copies of all required supplementary materials as outlined under Article L. of these Regulations. Processing will not commence until all required documents are received.

1. If during processing deviations from the requirements of these regulations are noted, the developer or his representative shall be notified in writing of the appropriate action necessary on his part for the continuation of said proceeding.
2. The preliminary subdivision plan shall as a minimum meet the standards for design and the requirements for the construction of public improvements as set forth by these regulations, Town Engineer, Flood Control District, Environmental Services Department, local fire districts or State Fire Marshal and County Health Department requirements and shall conform to the design, conditions, and authorized changes as set forth and approved in the conceptual plan phase of subdivision application and these regulations.

I. EXCEPTION OR SPECIAL CIRCUMSTANCES

Any plan submitted with a deviation (s) from the Subdivision Regulations or deviation (s) from required improvements, shall be accompanied by an

application for exception or waiver from these regulations or associated design or improvement standards.

1. Any person seeking an exception or exceptions to the requirements of these regulations shall file two (2) copies of said application with staff in concert with the preliminary plat application.
2. The Application shall be a request for an exception to a circumstance actually delineated on the preliminary plat, subsequent final plat or other plans as submitted. Requests shall not be in the abstract but shall include the specific reason for each and every exception requested. The Planning Staff shall accept the application for each and any exception, as herein described, and initiate or continue the processing of a subdivision plan as long as the plan complies with all other requirements.
3. The Applications for exceptions may be reviewed simultaneously with the conceptual plan and formally considered by the Commission during preliminary plat consideration or may be heard separately at the subdivider's request or as recommended by the Planning Director.
4. The Commission may recommend that the Town Council authorize exceptions to any of the requirements in these regulations. In order to do so, it shall be necessary for the Commission to find the following facts with respect thereto:
 - a.) There are special circumstances or conditions affecting said property, and
 - b.) That the granting of the exception will not be detrimental to the public safety, health and welfare or injurious to other property in the area in which said property is situated, and
 - c.) That it will not have the effect of nullifying the intent and purpose of the Town's General Plan or these regulations.

J. COUNCIL AND COMMISSION ACTION, SUBDIVISION EXCEPTIONS

1. The Commission shall forward a recommendation to the Town Council regarding approval or denial of the application for exception of any portion of these regulations.
2. Upon receipt of the Commission's recommendation the Town Council may approve or deny the request for exception. The Council may approve the preliminary subdivision plat and associated plans with the exceptions and conditions deemed necessary to substantially uphold the objectives of these regulations.

K. DATA REQUIREMENTS

The preliminary plat shall be clearly and legibly drawn to a scale of 1" = 200'; or 1" = 100'; or 1" = 50'. A scale of 1" = 100' is preferred. Whenever possible, scales

should be adjusted to produce an overall drawing not exceeding 36" X 42" in size, providing sufficient detail can still be shown.

1. Map Contents

- 1.) Proposed name of subdivision and its location by section, township and range; small scale vicinity map showing relative location of the plat; reference by dimension and bearing to section corners and quarter-section corners; and subdivision boundaries clearly identified.
- 2.) Name, address and phone number of landowner (and subdivider, if not the same).
- 3.) Name, address and phone number of engineer, surveyor, landscape architect or land planner preparing the plat, including registration number.
- 4.) Scale, north point and date of preparation, including dates of any subsequent revisions.
- 5.) Topography by contours relating to USGS survey datum, or other datum approved in writing by the Town Engineer, to be shown on the same map as the proposed subdivision layout. Location and elevation of the bench mark used should also be shown on the plat. Acceptable contour interval; grades up to 5%, 2 feet; 5% to 15% grades, 5 feet; grades over 15%, 10 feet. Source and date of topography shall be noted on the Preliminary Plat. Datum basis shall be noted. Whenever practical, elevations should be based on U.S.C. @ G.S. or N.G.S. datum. At least one permanent benchmark shall be included as part of the Preliminary Plat. Regular U.S.G.S. topographic maps, enlargements or similarities of same will not be acceptable as the source of topography.
- 6.) Drainage related items:

Flood hazard an 100 year floodplain areas, if any, shall be delineated on the preliminary plat and finished floor elevations for building pads shall be identified within flood hazard areas.
- 7.) Location, widths, ownership status and names of all existing streets and improvements therein; railroads; recorded utility or other easements or rights-of-way, including any existing facilities therein; public areas; all existing structures, with an indication of whether or not they are to remain; and Town corporation lines within or adjacent to the tract. Access road to the proposed subdivision shall be described to its intersection with a public road right-of-way.

- 8.) Name, book and page numbers of any recorded subdivisions within or having a common boundary with the tract, or notation "unsubdivided" where appropriate.
- 9.) Location, width and names of proposed streets, alleys, drainage ways, cross-walks and easements including all connections to adjoining platted or unplatted tracts. A typical cross-section shall be depicted on the plat where applicable describing the aforementioned improvements.
- 10.) Lot layout: including minimum building setback lines related to all streets; typical lot dimensions (scaled); dimensions of all corner lots and lots on curvilinear sections of street; each lot numbered individually and total number of lots shown.
- 11.) Designation of all land to be dedicated or reserved for public or semi-public use, with use indicated.
- 12.) Reference by note to source of proposed electricity, gas, telephone service, solid waste disposal, police and emergency service agencies.
- 13.) If plat includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification, present district boundary lines and status of any pending zoning change.
- 14.) Sewage Disposal: It shall be the responsibility of the subdivider to furnish the Yavapai County Environmental Services Department such evidence as that Department may require for its satisfaction as to the design and operation of sanitary sewage facilities proposed. A statement as to the type of facilities proposed shall appear on the preliminary plat.
 - a.) Subdivision Utilizing Septic Tanks: Where the proposed sewage disposal system will be by individual lot septic tanks, the result of the percolation tests and test boring logs as required by the County Environmental Services Department shall be submitted with the preliminary plat. Where alternate systems are contemplated necessary supporting information to the Environmental Services Departments' specifications shall be provided for review and approval in concert with Preliminary Plat evaluation.
- 15.) Water Supply: It shall be the responsibility of the subdivider to furnish the Environmental Services Department such evidence as that Department may require for its satisfaction as to the facilities for supplying domestic water. A statement as to the type of facilities proposed shall appear on the preliminary plat.

- 16.) Solid Waste Disposal: Subdivider shall indicate distance and location of refuse disposal area. In addition, method of collection must be indicated.
- 17.) Engineering plans submitted in support of the preliminary plat shall be prepared under the direction of and signed and sealed by a professional engineer.

L. ADDITIONAL REQUIREMENTS AND ACCOMPANYING STATEMENTS

The following material shall accompany the submission of all preliminary plats. If this data is not included on the preliminary plat, then two (2) copies are required. Supplemental submittals at this stage, such as grading, drainage or road plans, should be preliminary plans, not construction plans. They are the type of plans needed to evaluate the viability of the preliminary plat and allow the reviewing agencies to make reasonable decisions. The plans may generally be prepared using scaled distances and elevations taken from the topographic map used for the Preliminary Plat. When possible, they should be at the same scale as the preliminary plat. All supplemental submittals must be consistent with each other and the Preliminary Plat.

1. The existing uses of land and existing zoning.
2. Preliminary draft of proposed deed restrictions or protective covenants to be incorporated in the final plat submittal, including provisions for use and maintenance of commonly-owned facilities, if any.
3. A statement regarding availability of utilities and the direction and distance thereto and preliminary letters of serviceability shall be submitted in conjunction with the application.
4. A list of the proposed street names.
5. **Preliminary Grading Plan:** A preliminary grading plan shall be required when cuts or fills will exceed 5' in height or will extend outside of the normal street right-of-way. The preliminary grading plan shall be in sufficient detail to convey the extent of grading activities such that their impact can be evaluated by the reviewing agencies. The Plan shall include existing and finish grade contours and limits of cut and fill areas. Driveway and building locations shall be shown when topographic or other constraints will require specific locations or site grading. A geotechnical report shall accompany the grading plan to support the slope stability assumptions of the grading plan.
6. **Preliminary Road Plans:** Grades shall be given to the nearest whole percent grade. A profile sheet coinciding with the roads as shown on the Preliminary Plat or separate plan and profile sheets shall be prepared at a scale sufficient to allow evaluation of the proposed roads. Proposed drainage structures within the right-of-way shall be shown on the preliminary road plans. The Preliminary Grading Plan may be shown on the Preliminary Road Plans if all of the grading will be related directly to the roads. The reviewing agency's interest in these plans are: 1) height,

stability and slope of cut fills, 2) affected drainage patterns, 3) potential roadway geometric problems, 4) impacts of the roads on adjacent lots, property and access, 5) relationship of drainage to roadways, 6) other items that may be specific to the roads in the specific subdivision.

7. **Preliminary Utility Plans:** A Preliminary Utility Plan shall be prepared to illustrate the proposed location of utilities and verify that the necessary easements and right-of-way are proposed on the Preliminary Plat. It is recognized that final utility locations are decided by the individual utilities, but the objective of the Preliminary Utility Plan shall be to encourage cooperation in planning by the various utilities.
8. **Preliminary Drainage Plans:** The Preliminary Drainage Plan shall be part of a Phase II Drainage Report in accordance with the requirements of the Yavapai County Flood Control District.

A. Drainage Report

The developer or subdivider shall cause the preparation and submittal of a phase II drainage report by a registered professional engineer consistent with the Flood Control District requirements.

The purpose of the phase II drainage report is to identify and define development opportunities or constraints and provide conceptual solutions to the problems which may occur on-site and off-site as a result of development.

Drainage studies shall analyze all drainage basins with a tributary area of 10 acres or more at the point that they enter the subdivision. Internal basins shall be analyzed when the drainage basin exceeds 10 acres in size as well as smaller basins where drainage improvements are proposed.

The study shall also identify, discuss, and illustrate facilities proposed to handle drainage such as roadside ditches, culverts, curb and gutters, drainage channels, or other methods (approximate sizes of facilities needed).

It may also be necessary to determine areas where floodplain delineations may be appropriate and to justify the method used to calculate and identify the hazard areas (detailed study, approximate study, drainage path). Floodplain or drainage path delineations shall conform to the following normal size limitations:

DETAILED DELINEATION: Drainage basin greater than 160 acres in size.

APPROXIMATE DELINEATION: Drainage basin between 40 and 160 acres.

DRAINAGE PATH: Drainage basin between 10 and 40 acres.

The size limitations for the various types of delineations may be adjusted up or down depending on the conditions of the specific subdivision with the approval of the District. The Drainage Report shall set forth the rationale for varying from the normal limits. Incidental drainage paths involved with drainage basins less than 10 acres and resulting design recommendations/decisions shall be addressed by the consulting engineer with final judgment concerning low and shallow flows and related easements or facilities to be the responsibility/discretion of the engineer.

Easements shall only be included on the plat when constructed or natural drainage facilities are present that may require maintenance for the proper operation of the overall drainage system and/or where future construction or reconstruction of the drainage facility, whether constructed or natural may be necessary. Easements normally shall be required for any constructed facility with a tributary area of more than 10 acres or that carry flows that have been collected from public facilities. It is encouraged that the desired or recommended methods of site development or construction to promote a flood-free habitable structure be set out by the design engineer in the drainage report.

B. Floodplain Study

Floodplain studies may be required when the size of drainage basins, as identified in the drainage study, is such that delineation of a floodplain is necessary and then only if floodplain delineations have not already been completed by other agencies. Criteria and evaluation methods for delineating floodplain areas are as follows:

DETAILED FLOODPLAIN DELINEATION: In circumstances when drainage areas are greater than 160 acres in size and structures may be constructed within close proximity to the watercourse or in the flood fringe a detailed study shall be performed and the floodplain area shall be delineated on the preliminary subdivision plat. If the development plan clearly precludes building in the floodplain area, such as when the flow is totally contained in a well-defined wash, the drainage basin size requirement for a detailed study may be increased. If the development plan includes buildings in close proximity to a watercourse, the watercourse is unstable or other unusual conditions affecting drainage exist, the drainage basin size requirement for a detailed study may be decreased.

APPROXIMATE FLOODPLAIN DELINEATION: A detailed study may not be necessary for locations with a tributary drainage basin of 40 to 160 acres, but may be utilized for larger areas as noted above.

DRAINAGE PATH DELINEATION: Drainage path delineation may be used for areas with drainage basins more than 10 acres and less than 40 acres in size. The constraints within the drainage path shall be specified on the plat in the form of a width restriction along the flowpath consistent with the amount of flow it would carry; or a minimum elevation requirement for structures above the flowline of the watercourse.

9. **Traffic Impact Analysis:** A traffic impact study shall be performed in accordance with "Traffic Impact Analysis for Proposed Development", ADOT, Highway Division, Traffic Engineering Section, 1991. The Town Engineer may waive the requirements of ADOT analysis on a case-by-case basis. In cases where the proposed subdivision streets intersect a State or Town highway the traffic impact analysis shall be performed as outlined above. In instances where the interior subdivision streets do not intersect or adjoin a State or Town highway the level of detail for the traffic study and its content shall be at the discretion of the Town Engineer.

The traffic study shall be funded by the developer or property owner and upon submittal to the Planning and Zoning Department shall be transmitted to and reviewed by the Town Engineer's office. Copies shall be made available to other governmental agencies which may be affected by increased traffic.

Generally the following criteria are considered when determining if a traffic impact study is warranted:

- Significant changes in land-uses are proposed or higher density zoning is sought.
- Town arterial highway access is requested or the existing location of access to the property is changed.
- The proposed increased activity or intensity of development will significantly impact vehicular or pedestrian traffic on County roads.
- A total of 100 or more vehicular trips during an A.M. or P.M. peak hour will be generated by the proposed development.

The subdivider shall be required to provide financial assurances or complete the installation of any improvements determined necessary to maintain or improve traffic operations and traffic safety functions in direct proportion to the impact caused by the proposed development.

10. Any waiver or variance from approved construction standards or these regulations such as zoning, roads, flood control, etc. shall be in the form of an application of exception specifying each requested waiver or variance and associated justification.

11. The type or form of assurance that will be made for completion of improvements in a subdivision in accordance with A.R.S. Section 11-806-01 and Article V of these regulations.
12. Two copies of a preliminary title report or a policy of title insurance issued by a title insurance company within the preceding thirty (30) working days to the owner of the land, covering the land within the subdivision and showing all record owners, liens and encumbrances. The preliminary title report shall contain schedule B indicating the status of legal access to the proposed subdivision.

M. DISTRIBUTION OF MAPS AND ACCOMPANYING MATERIAL FOR EVALUATION

1. When the preliminary subdivision plat and accompanying material are received by the Planning Director, copies of the subdivision map and accompanying material shall be transmitted to the following agencies: Town Engineer; County Health Department or Environmental Services; Arizona Department of Transportation if it contains or abuts a state or federal highway; utility companies; Town Road Superintendent; Soil Conservation District; State or Federal land management agency if adjacent to public lands; State Fire Marshal or Camp Verde Fire District; State Department of Water Resources, and other interested or affected agencies as deemed appropriate by the Director. Interested agencies shall have twenty (20) working days, from the date received by the Planning and Zoning Department, to complete their report. Agencies shall submit an evaluation report to the Planning and Zoning Director. No reply by an agency within the time limit specified shall be construed as having no objections from that department to approval of the Preliminary Plat.
2. In accordance with A.R.S. Sections 9-474, 479, if the plat is within three (3) miles of the corporate limits of a city having subdivision regulations, the Planning and Zoning Director shall submit a print of the preliminary plan to said city for its review.
3. When all replies have been received or the specified date of reply reached, the planning staff shall prepare a correlated report, including replies or comments from all departments and other agencies; and, if the proposed plan is in conformance, shall put it on the agenda for the next scheduled Commission meeting.
4. Following receipt of reviewing agency comments, the Planning Staff shall coordinate a meeting between the subdivider and/or his agent and the various responding agencies for the purpose of clarifying outstanding issues arising from subdivision plat review. The purpose of this coordination meeting is to promote compliance with the content of these regulations and attempt to reach consensus on issues prior to presentation to the Planning & Zoning Commission. The meeting shall be scheduled a maximum of on (1) week following the due date for reviewing agency comments.

5. **Processing of Revised Preliminary Plats:** If recommended changes, additions, or minor revisions are necessary, three (3) sets of revised prints shall be submitted and distributed for review as with the original submittal. All revised preliminary plans and/or revised accompanying material shall be received at least twelve (12) working days prior to the Commission meeting date at which the developer desires to be heard. The interested agencies shall have five (5) working days, from the date received, to review the changes and present their evaluation to the Planning and Zoning Director. If no reply is received from an interested agency within the time limit specified, the department will be considered as having no objection to continuing processing and approval of the preliminary plat.

N. COMMISSION OF REVIEW AND RECOMMENDATIONS UPON THE PRELIMINARY PLAT APPLICATION

The subdividers or their representatives shall be notified by mail five (5) days prior to a meeting of the time and place of the public hearing at which the matter is set for review of the preliminary subdivision plat.

The Commission shall, upon said review or such further meeting to which said matter may be continued, hear or consider all evidence relating to said preliminary subdivision plan.

- A. If satisfied that all objectives of these regulations have been met, the Commission may approve the Preliminary Plat and shall submit recommendations to the Town Council.
- B. If the Commission finds that the plan requires revision, the plan shall be held over or continued pending revision, resubmittal, processing, or for other reasons.
- C. A copy of the report shall be filed with the Town Clerk and minutes setting out action of the Commission shall be transmitted to the Council, to the subdivider and/or owner and to departments or agencies as may be deemed advisable by the Commission.

O. ACTION BY TOWN COUNCIL ON THE PRELIMINARY SUBDIVISION APPLICATION

On receipt of the report and recommendation by the Commission the Council shall approve, conditionally approve or reject the Preliminary Subdivision Plat application. If the Council determines that said preliminary plat is not in conformity with these regulations or associated design criteria or if other requirements are not approved by the Council, it shall disapprove said plat specifying its reason or reasons therefore; and shall advise the subdivider in writing of such disapproval and of the reasons for such disapproval. If an application is rejected by the Town Council the new filing of a subdivision application for the same parcel (s) or any part thereof, shall follow the aforementioned procedures and shall be subject to the required fees.

Preliminary plan approval is based upon the following terms:

- A. The basic conditions under which the preliminary plat is granted will not be changed prior to expiration date of the approval.
- B. Approval is valid for a period of twenty-four (24) months from date of Council action.
- C. Preliminary approval may, upon written application to the Commission by the subdivider and subsequent council approval, be extended in one year increments if, in the opinion of the Commission and Council, there is no change in conditions within or adjoining the preliminary plat that would warrant a revision in the design of the original preliminary plat.

The Council approval of the preliminary plat shall specify that minimum Town standards for required improvements shall be completed prior to approval of the final plat; or an agreement shall be arrived at prior to said approval assuring construction of the above improvements, utilizing one or more of the methods described in Article V. If any other improvements are required at this time by the Council, they shall be so specified.

The action of the Council shall be taken at its next succeeding regular meeting after receipt of the Commission's report or at any special meeting at which the Council may desire to hear it.

IV. REQUIREMENTS AND PROCEDURES FOR PROCESSING AND RECORDING OF FINAL SUBDIVISION PLATS

A. THE FINAL PLAT PROCESS

The final plat stage includes submittal, review and approval of the final plat and required supporting documents by the Town Council, and recording of the plat with the County Recorder.

This process also includes the approval of the construction plans, inspection (s) and release of assurances for the required site improvements.

1. Final Plat Submittal

Within two (2) years after approval or conditional approval of the preliminary subdivision plat, a final plat may be prepared in accordance with:

- A. The preliminary subdivision plat as approved, with only minor authorized changes allowed and with any stipulations attached thereto.
- B. These regulations.
- C. Any applicable Town Ordinance or Regulation and State or Federal Laws.

Upon application to the Commission and prior to the expiration of the two (2) year limit, if a final plat has not been submitted and approved for any

part of the approved preliminary plat, extensions of time may be granted by the Council in two (2) year increments, if the subdivider is actively pursuing and/or processing a final plat. If such action is not taken, then all proceedings relating to the plat shall be terminated and a preliminary subdivision plat would be required to be submitted and approved prior to processing the final subdivision plat.

2. Phased or Incremental Plat Development

For any approved preliminary subdivision plat, the final plat may be submitted for approval progressively in units, each processed as a separate final plat.

Upon recording of a final plat for the first unit of an approved preliminary plat, subsequent final plats may be prepared for the remaining units in accordance with the approved preliminary plat where the subdivider is proceeding in accordance with the development schedule approved with the preliminary plat and/or where there have been no material changes to the Camp Verde Subdivision Regulations, town improvement standards or adjoining land-uses that warrant a review and possible redesign of the preliminary plat. Status review will be conducted by the Planning Director with the subdivider at two (2) year intervals. If the owner is proceeding with the project as planned the preliminary plat approval shall remain in force and effect. If there are delays in the development schedule the matter will be presented to the Planning & Zoning Commission and Town Council for review and consideration to approve a revised development schedule or revoke the Preliminary Plat approval.

3. Final Plat and Associated Material Submittals

When a final plat consists of two (2) or more sheets, one key map showing the relation of the sheets shall be placed on the first sheet.

The developer shall submit ten (10) copies of the final plat to the Planning Department to be checked. The staff shall refer prints of the final plat and support documents to the County Health Department and/or Environmental Services, Town Engineer, County Flood Control District Administrator, County Assessor, County Treasurer, County Special Districts Administrator, if applicable, and other official, reviewing or interested agencies for their evaluations as to conformance of this plat to the approved preliminary subdivision plat and these Regulations.

In accordance with A.R.S. 9-474-479, if the plat is within three (3) miles of corporate limits of a city having subdivision regulations, the Planning and Zoning Director shall submit a print of the final plat to said City for its review.

All plats, plans, fees and accompanying documents shall be received by the Planning Department at least forty-five (45) calendar days prior to the regular Council meeting, at which the developer desires to be heard. The submittal will not be scheduled to be heard unless it contains all of the required information and is found to be in compliance with all applicable requirements in accordance with the procedures set forth herein.

4. Additional Requirements and Accompanying Statements

At the time of depositing the ten (10) prints of the final plat with the Planning staff, the subdivider shall also file therewith the following accompanying material:

- A. Two copies of an updated title report or a policy of title insurance issued by a title insurance company within the preceding thirty (30) working days to the owner of the land, covering the land within the subdivision and showing all record owners, liens, and encumbrances. The title report shall evidence that there is legal/permanent access to the proposed subdivision.
- B. A copy of any covenants, conditions and restrictions (CC & R's) to be recorded;
- C. Five (5) copies of a memorandum showing the total area of the subdivision, and, showing the area of each lot to the nearest hundredth of an acre, if greater than one acre; or showing the area in square feet if less than one acre.
- D. Six (6) sets of prints of the construction plans of all improvements required and prepared in accordance with Town Ordinances, Flood Control District Regulations, Arizona Department of Environmental Quality Standards, applicable to the Town's delegation agreement and any/all other construction standards or specifications as adopted by the Town Council and in force and effect. In addition to the construction plans, two (2) prints of the plans for all off-site improvements to be constructed will be required. The plans will show such details as required by the Town's Adopted Standards and Specifications, and, will show land ownership, existing or proposed right-of-way limits, and other features affecting the establishment and construction of such required off-site improvements.
- E. A cost estimate for constructing the required site improvements, signed and sealed by a professional engineer who is registered to practice in the State of Arizona. The cost estimate and method/type of assurance shall be approved by the Town Engineer and/or Town Attorney prior to approval of the final plat.

The actual assurance must be executed and presented to the Town of Camp Verde before the subdivision plat is recorded.
(See Article V regarding cost estimates and assurances).
- F. The fee (s) for processing and review of the final subdivision plat and supporting documents shall be submitted with the plans to initiate the review process;
- G. If private roadways are proposed in the development, then provisions for perpetual roadway maintenance shall be provided

for in the Property Owners Association (or other legal entities) organizational Articles of Incorporation must be acceptable to the Town of Camp Verde, and shall be submitted with the final subdivision plat;

- H. A Subdivision plat shall be submitted in a digitally compliant format. The format that will be accepted is the "Drawing Exchange File" (DXF) format. This file format is a Standard Drawing Exchange format between many major computer aided design software packages, i.e., AUTOCAD, Microstation and VERSACAD. The submittal will be in compliance with standard data conversation that will be used by the Town of Camp Verde Geographical Information Department.
- I. The licensed surveyor who certifies the boundary survey on the plat shall also submit the mathematical calculations of each boundary, lot and tract closure. The calculations shall contain enough data in order to follow and recalculate the method used to determine closure. Calculations shall be bound and the cover stamped by the appropriate professional. These calculations will then become a permanent part of the subdivision records.
- J. A final or Phase 3 Drainage Report shall be submitted in conjunction with final construction plans in accordance with the requirements of the Flood Control District. The purpose of the Phase 3 Drainage Report is to update the concepts, provide all information as outlined in Section 2.3 not previously provided and to present the design details for the drainage facilities discussed in the Phase 2 Drainage Report.

5. Form of Final Plat

The final plat shall conform to all the following provisions or show the following:

The final pat shall be submitted on a transparent and/or reproducible material and of archival quality; and shall be on a sheet or sheets measuring twenty-four by thirty six inches, with a left margin of two (2) inches and be drawn to an accurate scale not to exceed two hundred feet to the inch. A scale of 1" = 100 feet is preferred. The final plat shall include dedications, affidavits, certificates and acknowledgements. All stamped or written matter, including signatures, shall be made with opaque ink so that legible blue line prints may be obtained therefrom. All final plats shall be drawn to reasonable accuracy standards, consistent with acceptable professional standards. The plat will need to be of a scale to insure the size of letters will be legible when microfilmed.

Every sheet comprising the plat shall bear the title (but not subtitle on subsequent sheets), scale, North point, legend, date of plat preparation, sheet number, and the number of sheets comprising the plat. Its relation to each adjoining sheet shall be clearly shown. The basis of bearings shall also be noted in the legend.

The title of each plat shall consist of the subdivision name placed at the top of each sheet. Below the title on the first sheet shall appear a subtitle consisting of a general description of all the property being subdivided by reference to governmental subdivisions or portions thereof; by sections, townships and range; or by reference to subdivision plat previously recorded in the office of the Recorder of Yavapai County. In addition, a small scale location or vicinity map, showing the relative location of the subdivision with respect to township, range, section, and any access roads, shall be shown on the face sheet.

Location and description of section or quarter corner, either found or set, and ties to such corners, all dimensions, angles, bearings, basis of bearings and similar data on the plat shall be referred, indicated and referenced. Boundaries of the tract to be subdivided shall be fully balanced and closed, showing all bearings and distances determined by an accurate survey in the field. Corners of the subdivision shall be noted, and monuments found or set shall be indicated and described; two (2) corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter section corners or suitable monuments acceptable to the Town Engineer.

The final plat shall indicate if the lot corner monuments have been or are to be set. If the lot corners are set this should be included in the surveyor's certificate. If they are not set an estimate and assurances must be provided.

6. Final Plat Contents

Presentation of the plat shall be neat, clear, legible, and complete in all respects and shall be sufficiently detailed to include, but shall not be limited, to the following:

- A. Tract boundary lines, lot and parcel lines, easement lines, street centerlines, and section lines, all showing accurate bearings and dimensions with dimensions expressed (rounded) in feet and decimals thereof to the hundredth;
- B. The total area of the subdivision, and, showing the area of each lot to the nearest hundredth of an acre if greater than one acre; or showing the area in square feet if less than one acre.
- C. Width of streets, width of easements and indication of their purpose, angle, radius, tangent, and length of all curves;
- D. Location and description of existing or found monuments, such as section corners and subdivision boundary corners, elevation of bench marks for a condominium development, existing rights-of-way and easements, if any. Easements shall be clearly dimensioned, labeled, and identified, and, if already of record, properly referenced to the record. If any easement is not

definitely located of record, a statement of such easement shall appear on the title sheet;

- E. Where there are contiguous development, show name of the subdivision with reference of record, street right-of-way lines, street names, street width, easements clearly dimensioned, labeled, and identified, if any; and if unsubdivided so note;
- F. The legend shall specify the type of monuments used;
- G. The boundary of the subdivision shall be indicated by a heavy line, recognizable as a border clearly showing the boundary of the subdivision and all of the property being offered for dedication for public use and/or as easements. Such boundary shall not interfere with the legibility of figures or other data;
- H. Any expected parcel (s) within the plat boundary shall be accurately depicted by bearings and distances on the plat;

7. Lot Layout

Each lot shall be numbered as per the approved Preliminary Plat and each block may be numbered or lettered. Each street shall be named. All lots not intended for sale or resale for private purposes, and all parcels offered for dedication for any purpose, public or private, and any private streets permitted shall be so designated. Label and identify all lots, parcels, tracts, excepted parcels, etc. for ease of description and to insure no misunderstanding about intended use, ownership, or maintenance.

8. Drainage Report

The limits of any 100 year floodplain identified using the standards set forth by the Director of the Arizona Department of Water Resources Requirement for Floodplain Delineation in Riverine Environments, together with the base flood elevation, shall be illustrated in the final plat. The regulatory elevation for the most critical location within each lot shall be shown on each lot that is impacted by the floodplain. A note shall also be placed on the plat indicating that "Floodplain limits, base flood elevations and regulatory elevations may be revised by subsequent studies approved by the Yavapai County Flood Control District."

Final plats shall also show all drainage easements in conformance with the approved Preliminary Plat with the associated dedication language. The actual dedication language should be related to the type of drainage facility and method of maintenance.

The plat shall also show other data that is required by law.

9. Final Plat Ratification and Dedication Certificate

The following Certifications, Acknowledgements, Dedications, Acceptances, and all others now or hereafter required shall appear on the final plat. Such certificates may be combined when appropriate.

A certification or ratification signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recordation of said Plat. Certain rights-of-ways, easements, or other interests may be acknowledged by appropriate endorsements on the Plat.

A certificate signed and acknowledged as above offering for dedication to the public all parcels intended for public use. (Preferred examples of Dedication and/or Owners Statements provided in Appendices). These examples will need to be tailored to the specific conditions and circumstances of individual final plats.

A certificate for execution by the land surveyor and/or professional engineer of record as follows:

10. Certificate of Land Surveyor

This is to certify that the survey of the premises (property) described and platted hereon was made under my direction and supervision and are accurately represented on this plat.

I also certify that the plat is in substantial conformance to the approved preliminary plat and that this plat is correct and accurate as shown

Registered Land Surveyor

Date

11. Engineers Information

The final plat shall contain the name and registration number of the registered professional civil engineer (s) who prepared the preliminary plat and is responsible for the engineering that is necessary in preparation of the proposed subdivision.

A certificate for signature by the Town Engineer and Planning Director as follows:

This plat has been checked for conformance to the approved preliminary plat and any special conditions attached thereto, to the requirements of the Camp Verde Subdivision Regulations, and to any other applicable regulations, and appears to comply with all requirements within my jurisdiction to check and evaluate.

By (Town Engineer) Date

By (Planning Director) Date

A certificate to be signed by the Town Clerk.

I, _____, Town Clerk of the Town of Camp Verde, hereby certify that said Town Council approved the within plat on the _____ day of _____, and accepted on behalf of the public all parcels or tracts of land offered for dedication for public use in conformity with the terms of the offer of dedication.

Town Clerk _____ (year)

A certificate to be signed by the Mayor of Camp Verde:

ASSURANCE:

Satisfactory Assurance in the form of _____ from _____ in the amount of \$ _____ has been provided in the full amount necessary to guarantee the installation of (streets), (water), (sewer) and all required improvements in this subdivision. (Electric) (Phone) utility services have been assured by letter from the appropriate utility company.

By: _____ Date _____
Mayor

Attest: _____
Town Clerk

Certificate for Assured or Adequate Water Supply

FINAL PLAT FOR A SUBDIVISION LYING WITHIN DESIGNATED ACTIVE WATER MANAGEMENT AREA SHALL INCLUDE THE FOLLOWING:

A Certificate of Assured Water Supply has been received from the Arizona Department of Water Resources and filed pursuant to A.R.S. 45-576 Subsection "B".

DATE DIRECTOR OF COMMUNITY DEVELOPMENT

--OR--

This Subdivision is located within an area designated as having Assured Water Supply, pursuant to A.R.S. 45-576 Subsection "B".

DATE DIRECTOR OF COMMUNITY DEVELOPMENT

IF SUBDIVISION IS OUTSIDE DESIGNATED ACTIVE WATER MANAGEMENT AREA, THE FINAL PLAT SHALL INCLUDE THE FOLLOWING:

This Subdivision is not within a designated Active Water Management Area. A statement concerning water adequacy has been received from the Arizona Department of Water Resources (pursuant to A.R.S. 45-108) stating the water resources are (adequate or inadequate) for this subdivision.

12. Procedures for Final Approval

The head of each Town department who has received a copy of the final plat and applicable supporting plans and documents has been requested to reply will determine, within twenty (20) working days from the date material is received by the Planning and Zoning Department, as to whether or not the material is acceptable and will transmit a statement thereon to the Planning Director. Failure of any department to reply within the time specified will be interpreted as no objection by the department to the plat as submitted. The Planning Director shall inform the developer:

- A. As to any changes or additions necessary; or
- B. That he may submit the original tracing.

If significant changes or additions are necessary, such as design variation from the approved preliminary plat, two (2) sets of revised prints shall be submitted as a new final plat submittal. A determination will be made by the Planning Director upon receipt of comments from reviewing departments whether the changes are "minor authorized" changes and the final plat may be presented to the Town Council or if the change is material and a "revised" preliminary subdivision plat will be required for consideration by the Planning & Zoning Commission and Town Council.

Minor Authorized Changes may include adjustment, variation, and reduction of lots, lot lines, easements or statements contained in preliminary plat if they are found by the Planning Director to be consistent with the intent and design of the approved preliminary plat. Adding lots,

streets or creating exceptions to the Town's design standards are material changes which will require a "revised" preliminary plat.

When a final plat, construction plans and all required supporting documents are acceptable to the Town Engineer, County Floodplain District Administrator, County Environmental Services Director and Camp Verde Planning Director, the subdivider upon notice thereof shall deposit with the Planning Department two (2) reproducible sets of the final plat as per form of final plat requirements completely executed by:

- A. All parties required to sign or endorse the same for the purpose of passing a good and sufficient title to the public right-of-ways, easements, and parcels offered for dedication and to join in the subdivision of said property.
- B. The professional engineer and /or land surveyor (R.L.S.) preparing the plat and any and all other parties required to execute certificates thereon, other than the required Town signatures.

In addition, all finalized and signed plats and accompanying data, agreements and other papers or documents necessary to the acceptance of this plat shall be deposited with the Planning Director at least ten (10) working days prior to the regular Council meeting at which the applicant desires to be heard.

When all appropriate provisions of the State Laws and these regulations have been met, all of the specified accompanying material shall be transmitted by the Planning Director within five (5) working days to the Town Clerk for action by the Council, such date shall be the official date of filing with the Council.

13. Action by the Council

At the next regular meeting following the filing of said plat with the Council, or at any other meeting they may so designate, the Council shall consider said tracing of the final plat, the plan of subdivision, the recommendations of the Planning and Zoning Commission and the Planning Director, the offers of dedication, and the agreements and guarantees, if any, for deferred improvements. If the Council determines that said plat is in conformity with the requirements of the law and of any requirements duly made relating thereto, and if the agreements and guarantees for deferred improvements, if any, and unpaid taxes or assessments are in order, and said plat conforms to the approved preliminary plat, it shall approve said plat; and the Town Clerk shall so certify this action upon said tracing of the final plat.

14. Conditions of Approval

In granting exceptions, variances, modifications, and additions to these regulations, the Council, upon recommendations of the Commission or on its own initiative, may require such conditions as will, in its judgment, secure substantially the objectives of these regulations.

If the Council determines that said plat is not in conformity with the preliminary plat or if other requirements are not approved by the Council, it shall disapprove said plat specifying its reason or reasons therefore; and shall advise the subdivider in writing of such disapproval and of the reason for such disapproval.

All streets and parcels offered for dedication for public use by the plat may be accepted by the Council (under the terms and conditions under which the Preliminary Plat was approved) and on the plat upon approval of the final plat. (This does not imply acceptance of the street into the Town Road System for maintenance. Formal acceptance for maintenance would be after the plat was recorded and the road was actually built to Town standards.)

15. Recording of Final Plat

Within 180 days of approval by the Council, the owner/subdivider shall provide all required materials and demonstrate that all conditions of plat approval have been met and the properly examined plat is presented to the Town Planning & Zoning Director for recording. If this is not done, the developer shall present a written status report to the Director who may administratively grant a six (6) month extension of time. At the end of one (1) year if the conditions of approval have not been satisfied and the plat is not presented or found acceptable for recording the final plat shall be referred to the Town Council for action.

Within ten (10) working days of presenting the properly executed final plat for recording together with the materials evidencing that all of the stipulations of Council approval have been satisfied and necessary recording fees the Planning Director or designee shall obtain necessary signatures from representatives and cause the final plat to be recorded. No subdivision plat shall be recorded unless approved by the Council.

- A. The fee for recording the final plat and accompanying deed restrictions and any ratification or pertinent documents will be required once the final plat is approved by the Council and the subdivider has addressed the stipulations of approval and the plat is ready for recording. If the recording fee is submitted in the form of a check, it must be made payable to the Yavapai County Recorder;
- B. A copy of the developers Subdivision Questionnaire to the Arizona Real Estate Commissioner shall be submitted upon recording of the final plat and prior to approval for lot sales;
- C. A report from the Arizona Department of Water Resources in the form of either a "Certificate of Assured Water Supply" pursuant to A.R.S. 45-576, or for areas outside of AMA's a statement of water "adequacy" either for that subdivision or for the water company (private or public) which will serve the subdivision pursuant to A.R.S. 45-108;

The "Certificate of Assured Water Supply" or the report finding the subdivision's water supply to be adequate shall be provided to the Planning Director prior to recordation of the final subdivision plat. If the Certificate and/or adequacy statement is not obtained the final plat shall be referred back to the Town Council to consider the DWR's findings and reconsider their approval and possible revocation of the final plat.

If the approved preliminary plat was based on the understanding that the subdivision's water supply was going to be found by ADWR to be inadequate the final plat may be recorded upon subsequent issuance of the report if all other subdivision requirements are met.

- D. Assurance for all required site improvements in accordance with the requirements and provisions of Article 5 of these Regulations.

- E. Evidence from the Assessor that the title to the property has been cleared with the property records of the County. The Assessor shall certify and acknowledge that as of this date the records and/or information available to the officer reflect that _____ as designated on the plan is the owner of the property and more particularly described as Assessor's Parcel Numbers _____.

- F. Evidence from the Treasurer that the taxes on the property are paid up to the current year. The County Treasurer shall certify and acknowledge that there are no tax liens on any of the parcels comprising the subdivision plat as listed in the Assessor's certification.

- G. Evidence shall be provided from the Special Districts Administrator that required annexations and fees (if any) of any special districts are current.

V. ASSURANCE FOR COMPLETION OF IMPROVEMENTS AND PROCEDURE FOR VERIFYING COMPLETION OF REQUIRED IMPROVEMENTS AND RELEASE OF ASSURANCE

A. DISCLOSURE OF FINANCIAL ASSURANCES

1. Upon submittal of the preliminary plat, the subdivider shall state the type of assurance that will be made for the completion of improvements in a subdivision in accordance with A.R.S. Section 9-463-01.
2. No final subdivision plat will be recorded unless one (1) or more of the following methods of assurance as specified in Section 502 are submitted with the final plat.
3. No subdivision site work shall be initiated unless or until the preliminary plat has been approved by the Town Council and the site work is authorized by the Town Engineer or there are approved construction plans.
4. The subdivider shall furnish with the final plat a cost estimate for construction of the required on and off site improvements, signed and sealed by a professional engineer. The amount of the assurance shall be based on the engineer's cost estimate for all required and remaining site improvements as approved by the Town Engineer.

Utility service assurances may be provided by letter from water, sewer, electric and other appropriate utility companies to guarantee improvements.

The final plat shall indicate the assurances provided by the subdivider to insure completion of the required site improvements.

B. CONSTRUCTION OF IMPROVEMENTS PRIOR TO FINAL PLAT RECORDATION

1. Installation of Required Public and Private Improvements Prior to Final plat recordation

If the subdivider chooses to construct the required improvements prior to the recording of the final plat, he shall submit the construction plans, inspection reports, test reports and material certifications to the Town Engineer for approval. A certificate by the Engineer of Record on the as-built plans stating that the construction has been completed in substantial conformance to the specifications and standards contained in or referred to herein and/or the approved construction plans, must be reviewed and acceptable to the Town Engineer, prior to recordation of the final plat.

2. Installation of Necessary Public and Private Improvements Prior to Final Plat Approval

If the owner elects to construct the site improvements prior to final plat approval, the preliminary subdivision plan must be approved and the owner shall cause the construction plans to be prepared by a professional Engineer. These plans shall be submitted to the Town Engineer for review and approval prior to initiating site construction. The Town Engineer may authorize limited rough grading or site improvements during this review of construction plans.

C. FINANCIAL ASSURANCES FOR REQUIRED PUBLIC OR PRIVATE IMPROVEMENTS

1. **Performance Bond**

The subdivider shall file with Camp Verde a bond executed by a surety company holding a license to do business in the State of Arizona, and acceptable to the Town of Camp Verde, in an amount equal to the cost of the improvements required by these regulations and within the time for completion of improvements as estimated by the Engineer of Record and approved by the Town Engineer. The performance bond shall be approved as to form and legality by the Town Attorney.

2. **Trust Agreement**

The subdivider shall place on deposit in a bank or trust company in the name of the Town, and approved by the Town Attorney, in a trust account a sum of money equal to the estimated cost of all site improvements required by this ordinance. The cost and time of completion shall be approved by the Town Engineer. The trust shall be approved as to form and legality by the Town Attorney. Periodic withdrawals may be made from the trust account for a progressive payment of installation cost. The amounts of such withdrawals shall be based upon progress work estimates and approved by the Town Engineer. All such withdrawals shall be approved by the Trustee.

3. Unconditional Guarantee from a Local Bank of Federally Insured Savings and Loan Association or from Other Financial Institutions as approved by the Town of Camp Verde. The subdivider shall file with the Town of Camp Verde a letter, signed and notarized by the principal officer of a savings and loan association or other financial institution acceptable to the Town of Camp Verde, agreeing to pay the Town on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider or developer is responsible under these regulations. The guaranteed payment sum shall be determined from the estimated costs and scheduling as approved by the Town Engineer. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide together with a schedule for completion.
4. **Other Methods**
Other methods of assurance for completion of improvements may be used providing the Council approves such methods after receiving a recommendation by the Planning and Zoning Commission. The approval of any "other methods" shall be in written form to the subdivider.

D. DURATION OF PERFORMANCE BONDS FOR FINANCIAL ASSURANCES

The duration of the performance bond or other assurance shall be for two (2) years, from the date of recording. Extension of time in one (1) year increments may be granted by the Town Council by showing just cause. The assurance (surety) shall remain in force and effect until it is released by the Town Council or has been authorized for partial release as provided for herein.

E. PARTIAL ASSURANCE REDUCTION

The Town Engineer, upon receipt of a certification from the Engineer or Record, may authorize a reduction of the assurance for the work completed in accordance with the approved cost estimate and construction plans. A percentage (10%) of the estimated cost of completed improvements will be retained to insure sufficient funds remain to insure completion of the site improvements, final inspections and preparation of final "as-built" plans.

F. DEFAULT

In the event that the subdivider defaults or fails or neglects to satisfactorily install the required improvements within the time agreed upon for performance, the Town Council may declare the bond, or other assurance forfeited, and the Town may make or cause the required improvements to be made, using the trust funds or proceeds of the collection of the bond or other assurance to defray the expense thereof. In addition, the Planning Director shall notify the State Real Estate Commissioner of the default.

G. INSPECTION AND RELEASE

1. The subdivider, using the services of an Arizona registered Professional Engineer and plans as approved by the Town Engineer, shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than thirty (30) days prior to the release date of the bond or other assurance, the Engineer of Record shall

make an inspection of the improvements and shall submit a set of 'as-built' construction plans if complete or a report on the status of improvements if only partially complete to the Town Engineer. The Town Engineer will review the as-built plans and/or report and notify the developer of any noncompliance with the approved construction plans or with these regulations. If the Town Engineer determines that compliance has been made, he will then submit a report to the Town Council, setting forth the conditions of such facilities.

2. A certificate sealed by the Engineer of Record on the as built plans stating that the construction has been completed in substantial conformance to the specifications and standards contained in or referred to herein must be approved by the Town Engineer and presented to the Town Council prior to the surety release. If all conditions are found to be satisfactory and the improvements comply with the Town Standards, the Town Council shall release the guarantee. If the condition of materials or workmanship shows unusual depreciation or does not comply with Town Standards the Town Engineer may present this information to the Council who may declare the subdivider in default.

3. **Engineer of Records Certification Statement**

"In my professional opinion, the construction of (the specific site improvements required for approval) has been completed in substantial conformance with the construction plans and specifications including changes and addendums. My professional opinion is based, in part, upon the completion of certain tests and measurements and/or the review of the results of such tests and measurements completed by others. The rendering of this opinion in no way relieves any other party from meeting requirements imposed by contract, plans, specifications or commonly accepted industry standards.

H. **SUBDIVISION ROAD MAINTENANCE**

Once the improvements are approved and the surety released, the Council will review the roadways for acceptance into the Town System for Maintenance as per ARS 11-800.01H.

VI. DESIGN STANDARDS

A. GENERAL

1. The Commission shall insure that appropriate provisions are made for the harmonious development of the Town by requiring:
 - A. The coordination of streets within subdivisions with existing or planned streets, roadways, highways and with the adopted general plan of the Town.
 - B. A regulation of population density and traffic volume which will create conditions favorable to public health, safety, and convenience.
 - C. Conforming with these regulations and the Town engineering standards and specifications or details.
 - D. Adequate spaces for public use (such as for parks, schools, recreational areas, etc.).
2. Adequate primary, secondary and emergency access, if necessary, shall be provided from an existing dedicated public road to land being subdivided. Approval of such access shall be a condition of the plat by the Commission and Council.
3. In all subdivisions, it is urged that due regard be demonstrated for all natural features such as trees, watercourses, historical and archeological sites and similar community assets which, if preserved, will add attractiveness and value to the property and community.

4. Portions of any contiguous property within the ownership of the subdivider shall not be excluded from within the boundaries of a subdivision when needed or required for any traffic, drainage, or flood control facility pertinent to said subdivision.
5. The design of those elements of a subdivision involving structural matters, and design and building of roads, drainage provisions, water supply and sewage disposal shall be made by an engineer registered in the State of Arizona and qualified to specify the standards for such design.
6. A set of standards may be recommended by the Commission and approved by the Council on each item as described herein. These standards shall be separate from this Ordinance, and shall be developed by the Town Engineer, Flood Control District Administrator, Planning and Zoning Director in consultation with the Planning and Zoning Commission. These standards may be revised in response to changing circumstances or requirements or technological improvements justifying such changes.
7. It is the responsibility of the developer to comply with these regulations. At any time in the processing of the subdivision plat or construction of improvements associated with the approved subdivision plat or construction drawings that non-compliance with these regulations or approved subdivision plat is determined, notification of same shall be transmitted to the developer. If compliance is determined processing of the plat or construction of associated improvements may proceed from the date of compliance as authorized by the Planning & Zoning Director.

B. SUITABILITY OF LAND

1. The Commission shall not recommend approval of the division of land as submitted if, from adequate investigation, it has determined that said land is not suitable for the kind or type of development proposed. The Commission's investigation shall include but not be limited to such factors as flooding, fire hazards, surface drainage constraints, steep slopes, rock formations or design features determined to be harmful to the safety, welfare, and general health of the future residents, unless corrections acceptable to the Commission, Town Engineer and Planning & Zoning Director are submitted by the developer. If a developer objects to the recommendations made by the Planning & Zoning Director, he may appeal to the Planning & Zoning Commission. If the Commission upholds the Directors recommendations, the developer may appeal to the Town Council.

C. WATERCOURSES

1. In the event that the subdivision is traversed by or is contiguous to lakes, streams, or other bodies of water, the subdivider shall provide an easement or right-of-way for storm drainage substantially conforming with

the line or path of such natural watercourse, channel, stream or creek, or provide and acceptable realignment of said watercourse.

2. Subdividers shall be required to comply with the rules and regulations of the Flood Damage Prevention Ordinance of Yavapai County. The Preliminary and Final Plat submittals shall include information as specified by these regulations and shall depict information including but not limited to floodway and flood fringe locations, finished floor elevations, etc. within the proposed subdivision. The Yavapai County Flood Control District Administrator shall review all subdivision plat materials and shall submit a report containing an analysis and recommendation regarding flood information provided, as well as any appropriate professional recommendations, to the Planning & Zoning Commission and Town Council.

D. STREETS, GENERAL

1. The arrangement, character, extent, grade, width, and location of all roadways or streets shall conform to these regulations, Town standard specifications and details, any adopted transportation plan, master plan of the Town or specific Community Plan affecting said street locations and the preliminary plans as approved by the Commission pursuant to the Arizona Revised Statutes. Curvilinear street patterns are encouraged.
2. Where such is not shown on the comprehensive plan, adopted transportation plan or preliminary plans, the arrangement of streets shall provide continuation or appropriate projection of existing major streets in surrounding areas. All center lines shall be continuations of the center lines of existing streets and highways in contiguous territory. In cases where straight continuations are not physically possible, such center lines may be continued by curves.
3. Each subdivision design shall provide for adequate traffic circulation that incorporates the adopted Town roadway functional classification system to handle the projected traffic volumes on the roadways.
4. The minimum width of right-of-way, measured from lot line to lot line, shall be as prescribed by the Town Engineer, any approved transportation plan, the general plan and these regulations. Proposed streets shall extend or project existing streets at their same or greater width, but never at a width less than prescribed by established standards.
5. All streets and highways shall be constructed and surfaced to meet specifications approved by the Town Council as recommended by the Town Engineer and as may be established by these regulations. The subdivider shall improve the extension of all subdivision streets and other public ways to the intercepting shoulder line of any Town road, or state highway.
6. Structures or culverts shall be installed as deemed necessary by the Town Engineer for drainage, access and public safety. Such structures

and culverts are to be placed to grades and be of design and size approved or authorized by the Town Engineer. Adequate drainage of the subdivision streets or roadways shall be provided by means of said structures or culverts and by other approved methods, in accordance with the engineering standards adopted by the Town Engineer and Flood Control District.

7. All roads and alleys developed or improved in conjunction with subdivision development shall either be:
 - A. Built to Town standards, dedicated by the plat and accepted by the Council; or
 - B. Built to Town standards, dedicated by the plat and approved by the Town Council in conjunction with an approved special maintenance district, completion bond, trust, improvement district, or other appropriate security; or
 - C. Built to Town standards and exist and be maintained as private roads within appropriate minimum right-of-way in compliance with these regulations or as recommended by the Town Engineer.
8. Adequate provisions shall be made in the design of subdivisions for access to each lot or parcel, and for access to adjacent properties.
9. Half roads or partial width rights-of-way will only be approved as partial arterial roads along a section line where no alternative design exists, or where said partial rights-of-way would require the dedication of additional contiguous rights-of-way to make it full width. The developer shall include evidence that the additional right-of-way necessary to accomplish full width dedication is permanently reserved for future road purposes. Half roads should only be accepted where they are a portion of the road system approved as part of an adopted transportation plan, Town roadway network plan, comprehensive plan or specific area plan.
10. When a tract fronts on an arterial road the Town Council may require lots within the subdivision to have reverse frontage.
11. Provisions shall be made for railroad and other public or private utility crossings necessary to provide access to or circulation within the proposed subdivision, including the obtaining of all necessary permits from the public or private utilities involved and any regulatory agencies having jurisdiction. The cost of such crossings shall not be assumed by the Town.
12. Residential streets shall be designed to provide proper circulation of local traffic.
13. **Dead End Streets**

- A. Minor terminal streets designated to have one end permanently closed, shall be no more than six times the minimum lot width nor more than 1320 feet long unless authorized by the Town Council by and approved petition of exception. Dead end streets shall be designed at the closed end with a circular turn-around for cul-de-sac having a right-of-way diameter of at least 100 feet. Said cul-de-sac shall be designed to meet uniform fire code requirements or specifications of the State Fire Marshal.
- B. Where, in the opinion of the Commission and the Town Council, it is desirable to provide street access to adjoining properties; proposed streets shall be extended by dedication to the boundary of such property. Such dead end streets shall be provided with a temporary turn-around having a roadway diameter of at least 100 feet.

14. Intersections

- A. Street intersections shall be as nearly at right angles as possible.
- B. Property line radii at street intersections shall not be less than 25 feet, however, the Town Engineer may require a greater curb radius where necessary.

15. Jogs in Minor Streets

Street jogs of less than 135 feet in length shall not be approved.

16. Street Names

Proposed street names shall be assigned and administered in accordance with the provisions of Section 121 (Street Naming and Addressing Ordinance) of the Camp Verde Ordinance.

17. Alleys

Alleys shall be provided to the rear of all lots used for business purposes and as deemed necessary by the Planning and Zoning Commission and the Town Council.

18. Blocks

The length, width and shape of blocks shall be determined with due regard to provisions for adequate building sites, the zoning requirements as to lot area and dimensions, limitations, and opportunities of topography and associated needs for convenient access, traffic circulation, control and safety to streets and pedestrian traffic.

A. Length

Blocks shall not be more than 1320 feet in length except as the Commission and Town Council considers necessary to secure efficient use of the land or as a desired feature of street design. In blocks over 660 feet in length pedestrian crosswalks may be required. Where fronting on major streets lengthened blocks may be utilized in order to reduce the number of intersections along the major street or arterial.

B. Width

Blocks should be wide enough to allow two tiers of lots.

E. LOTS

1. **Arrangement**

The lot area, width, depth, shape and orientation, as well as the minimum building setback lines shall be appropriate for the location of the subdivision, for the type of development and use contemplated, and shall conform to the requirements of zoning and these regulations.

Side lot lines shall be designed at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road or approved access.

2. **Accessibility**

Each lot shall be accessible to the street on which it fronts. Where necessary, lots shall be graded as a condition of approval of a final subdivision plat to insure access to and adequate use of property.

3. **Minimum Size**

Each lot shall be suitable for the purpose for which it is intended and shall contain a usable building site. The area of a lot shall be deemed the area shown, exclusive of any area designated for road purposes or any easement for access or road purposes shown on the map.

4. **Corner Lots**

Where lots are designed with minimal building areas, corner lots shall be wider than minimum to provide adequate usable area, if necessary.

5. **Large Tracts or Parcels**

When the land is subdivided into large lots such lots shall be arranged in order to accommodate future streets and logical extension of same. No subdivision shall be created with lots contemplated for future re-subdivision without prior authorization by the Town Council upon recommendation of the Planning & Zoning Commission.

6. Lot Numbering

- A. Each lot shall be designated by an Arabic numeral.
- B. If block designations are not used, numbering shall be in consecutive sequence within the block beginning with the number "1" wherever lots have common side boundaries within a subdivision or within a block along each street and contiguous consecutive numbers shall follow from one block to another.
- C. When block designations are used, numbering shall be in consecutive sequence within each block area commencing with the number corresponding number for each block.
- D. Numbering sequences may follow in continuity from one tract to another when lying contiguous to one another, or when separate or contiguous of the same name is used for successive tracts.
- E. Parcels shall be designated by capital letters and be designated in sequence within a tract starting with the letter "A".

F. SANITARY SEWAGE AND WATER SYSTEMS

- 1. Where a public sanitary sewer is reasonably accessible the subdivider shall connect with such sewer and provide a connection to each lot.
- 2. A sewer collection and treatment system may be required as a condition of approval for any subdivision pursuant to Arizona Department of Environmental Quality Design Bulletins as recommended by the County Environmental Services Department.
- 3. When connection to a sanitary sewer system is not available, septic tanks or other disposal methods may be permitted provided that a statement is submitted to the Commission and the Town Council by the County Environmental Services Department certifying that field investigation has determined that ground slopes and soil conditions will allow for satisfactory disposal by this method with the lot arrangement and size as depicted on the subdivision plan.
- 4. Water mains connecting with existing town or public utility systems shall be installed to serve each lot and when and if connection to such system is available. In such case, prior to the approval of the final plat, the subdivider shall submit a letter from the governing body of the water system showing the ability of the system to serve the proposed subdivision and evidence that a satisfactory agreement has been made for connection to the system.

Water mains and fire hydrants, if installed, shall be installed to grades, location, design, and sizes on plans submitted by a registered engineer in

the State of Arizona and approved by the Town Engineer and Engineer of the supplier.

5. When connection to a water system is not available, the subdivider may provide service by the establishment of a mutual water system in which case water mains and fire hydrants shall be installed to grades, location, design and sizes as submitted by a registered engineer in the State of Arizona and approved by the State Health Department, and the source of supply developed and improved to the satisfaction of the County Health Department or his representatives so that the subdivision may be adequately supplied with water.
6. A water system shall be provided as a condition of approval for any subdivision containing lots or parcels less than 70,000 square feet.
7. In the case of a subdivision with lots over 70,000 square feet in area, water supply may be from other than a community system. In this case evidence shall be submitted showing that sufficient potable water is available and can be obtained for all lots in the subdivision.
8. Minimum lot size may be modified by requirements of the County Health Department pertinent to water and sanitary sewage systems. Any such modifications shall be based on data provided by Town Planning advisories.
9. **Public Sanitary sewage and Water Systems**
The requirements for development of public water supplies and of community sewage disposal systems shall not be less than those outlined by Arizona State Health Department regulations and engineering criteria for such installations.

G. REFUSE DISPOSAL

Subdividers shall indicate proposed refuse disposal areas. If none are available, the Council may require suitable sites to be furnished by the subdivider before the subdivision is approved.

H. EASEMENT AND UTILITIES

Except where alleys are provided for that purpose, easements at least sixteen (16) feet in total width, one-half of which is provided from each adjoining lot, shall be provided, where necessary along rear lot lines for poles, wires, conduits, sanitary sewers, gas mains, water mains, or for other utilities. Where necessary additional easements shall be located along the side lot lines. Half or partial easements may only be approved where written commitment of dedication of necessary additional easements are on record. All easements shall be in accordance with those approved by the utility companies concerned.

I. MONUMENTS

Monuments shall be either a steel pin or pipe at least 18 inches in length and set in a reasonable permanent manner for all points of reference on the outside boundary, at each lot corner and/or at all points of curvature or tangency of the subdivision.

Whenever streets are improved to the extent that paving is included, survey monuments will be required at all street intersections and at the point of curvature and point of tangency of all curves and shall be set as approved by the Town Engineer.

J. PUBLIC REQUIREMENTS

Consideration shall be given to the requirements for public land and open spaces as specified in the Comprehensive Plan during the design and layout of the subdivision. The Planning Commission and the Town Council may require certain lands to be dedicated or reserved for public purposes in conformance with the General Plan as specified in these regulations.

K. AESTHETIC CONSIDERATIONS

The subdivider shall give consideration to preserving natural features in the design and layout of the subdivision. Lots and buildings shall be oriented to make advantageous use of any views or natural vistas.

L. SPECIAL DEVELOPMENT SUBDIVISION

Modified standards and requirements of these regulations may be accepted by the Commission and the Town Council in the case of a plan and program for a complete community, or a neighborhood unit, which in the judgment of the Commission and the Town Council provide adequate public recreation, light, air and service needs for the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the General Plan or zoning ordinance.

- a. When such a preliminary development plan is submitted for appraisal it shall be accompanied by a petition for variance, as outlined in these regulations, setting out all deviations from standards as herein required and explaining reasons thereto.
- b. Special development variations may include: (1) streets of less width than standard requirements, but with adequate provisions for all-street parking; (2) up to four (4) lots served by a common driveway where topographic conditions would justify such treatment; (3) up to four (4) buildings per site in a cluster of less than minimum lot area if a corresponding contiguous area plus the building site areas brings the total combination of building sites and common areas to minimum area standards, and provisions are made that each lot owner has an undivided interest in the contiguous parcel and it is restricted to be used only for recreational purpose or to remain "open land", (4) special common sanitation facilities.
- c. Special development subdivisions shall be regulated as outlined in the zoning ordinance.

VII. VARIANCE, WAIVER AND APPEALS

A. HARDSHIP

The Planning Commission may recommend and the Town Council may authorize variances from the terms of these regulations, whereby reason of exceptional or extraordinary situation or condition of a tract of land causes the strict application of any regulation enacted herein that would result in peculiar and exceptional practical difficulties to, or undue hardship upon the subdivider. Such variances may be given, provided such relief may be granted without detriment to the public good and without impairing the intent and purposes of these regulation.

B. WAIVER

The Planning Commission may recommend, and the Town Council may waive, any provision of these regulations insofar as they affect a public use or purpose. No waiver may be granted unless the Town Council finds that the waiver is in the best interest of the public, without impairing the intent and purpose of these regulations. The extent and duration of the waiver shall be stated at the time of the waiver.

VIII. VIOLATIONS, PENALTIES, ENFORCEMENT & REMEDIES

A. ENFORCEMENT

Any use or development of property contrary to the provisions of the Subdivision Regulations shall be and the same is hereby declared to be unlawful, against the public safety and welfare, and a public nuisance and the Town Attorney shall, upon order of the Town Council, or on his/her own initiative, immediately commence all necessary actions or proceedings for the abatement, injunction and removal thereof in the manner provided by law, shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant to such relief as will abate, enjoin and restrain any person, firm or corporation from setting up, developing, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of these subdivision regulations or otherwise violating these subdivision regulations.

1. Violation and Penalties

Any person, firm corporation or other legal entity who violates any provision of these regulations shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars or by imprisonment in the town jail for not more than ninety days, or by both such fine and imprisonment. Each day that a violation is permitted to exist may constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of these regulations.

2. Remedies

All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishments of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or to remove the enforcement, correction or removal thereof. In addition to the other remedies provided in this section, any adjacent or neighboring property owner who shall be especially damaged by the violations of any provisions of these subdivision regulations may institute,

in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings or prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.